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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/607,539

06/27/2003

Dan Flynn

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03/17/2008

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EXAMINER

TIEU, BINH KIEN

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/607,539	Applicant(s) FLYNN ET AL.	
	Examiner /BINH K. TIEU/	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6 and 8-22 is/are rejected.
- 7) ☒ Claim(s) 3, 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicants' arguments, see Applicants' remarks, filed 12/19/2007, with respect to the rejection(s) of claim(s) 1-22 under 35 U.S.C. 102(e) as being anticipated by Chaskar et al. (Pub. No.: US 2004/0224702) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Osmo (Pub. No.: US 2003/0157942).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-6 and 8-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Osmo (Pub. No.: US 2003/0157942).

Regarding claim 1, Osmo teaches a method comprising:

sending a request for information associated with a location of a target user from a first location service entity to a second location service entity (i.e., ***a home location server 26, as shown in figure 2, requests location information of a mobile station to a roaming location server 28***);

informing the second location service entity of a role performed by the second location service entity when processing the request (i.e., *the request included a cell identity of the location server 28 as a role*); and

processing the request at the second location service entity (i.e., *the location server 28 based on the cell identity to provide the geographic information associated with the cell identity and sends it back to the home location server*, see paragraphs [0047] and [0067]-[0068]).

Regarding claim 2, note the cell identity or location parameters as a role in the request in paragraphs [0047] and [0067].

Regarding claim 4, note the home location server receives the request from the mobile station (see paragraph [0040] and sending the request from the home location server to location server 28 (see paragraph [0047]).

Regarding claim 5, note paragraph [0039].

Regarding claim 6, note a WAP gateway (first entity) received the request. WAP location server of home location server 26 (second entity) received and checked the request. Lastly, roaming WAP location server 28 (third entity) received and processed the request which sends back the geographic information (see paragraphs [0040]-[0047]).

Regarding claims 8-9, also note the paragraphs [0040]-[0047].

Regarding claim 10, Osmo teaches an apparatus comprising:

location service entity of a location information service arrangement comprising a plurality of location service entities (i.e., WAP gateways 16, Home Location Server 26, Roaming Location Server 28, etc. as shown in figure 2) configured to process requests for location

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information, the location information entity being configured to request for information associated with a location of a target user from a further location service entity (i.e., *a home location server 26, as shown in figure 2, requests location information of a mobile station to a roaming location server 28*) and to inform the further location service entity of a role the further location service entity performs when processing the request ((i.e., *the request included a cell identity of the location server 28 as a role; and the location server 28 based on the cell identity to provide the geographic information associated with the cell identity and sends it back to the home location server*, see paragraphs [0047] and [0067]-[0068]).

Regarding claims 11-12, note the home location server 26 determines a cell identity to where the mobile station has been serving and roaming. The home location server 26 then selected the cell identity and forwards it with the request to the roaming location server 28 (paragraphs [0047] and [0066]-[0067]).

Regarding claims 13-15, note paragraphs [0039].

Regarding claims 16-22, the limitations of the claims are rejected with same reasons set forth in the rejections of claims 1-2, 4-6 and 8-15 above.

Allowable Subject Matter

4. Claims 3 and 7 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

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/BINH K. TIEU/

Primary Examiner
Technology Division 2614

Date: February 2008